

REMARKS

Initially, it will be noted that even though this response is being submitted after Final, it should still be entered in the record because it resolves all of the rejections of record without making any amendments or raising any new substantive issues for consideration.

In the Final office action mailed May 17, 2006, all of the pending claims 1-50 were rejected under 35 U.S.C. 103(a) as being unpatentable over at least one combination of art that relied upon Venkatachary et al. (US Pat. Pub. No. 2004/0221157).¹

Applicants respectfully note, however, that Venkatachary was assigned to Microsoft, or subject to an assignment to Microsoft, the assignee of the present invention, at the time of the invention. Applicants also note that Venkatachary qualifies as prior art, if at all, under 35 U.S.C. §102(e), and such that Venkatachary is an improper reference for an obviousness-type rejection under 35 U.S.C. §103.

In view of the foregoing, Applicants respectfully submit that Venkatachary is an improper prior art reference, as applied in the current obvious rejections, and such that all of the rejections of record, which all rely at least in part on Venkatachary, are now moot.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 26th day of May, 2006.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803

Attorneys for Applicant
Customer No. 047973

JCJ:ahy
AHY0000000442V001

¹ Claims 1, 3, 5-10, 12, 14-18, 28-39, 44-47, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US Pat. Pub. No. 2005/0028208) in view of Venkatachary et al. (US Pat. Pub. No. 2004/0221157). Claims 4, 13, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Venkatachary et al as discussed under Claim 1, and further in view of Herrington et al. (WO 00/78050). Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of Venkatachary et al as discussed under Claim 1, and further in view of Artigalas et al. (US Pat. Pub. No. 2001/0014206). Although the prior art status of the cited art, other than Venkatachary, is not being challenged at this time, and even though the asserted teachings of the referenced art is not being challenged at this time (because it is not necessary), Applicant reserves the right to challenge the prior art status and asserted teachings of the cited art at any appropriate time, should it arise.